

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Peter Dugas

v.

Civil No. 03-cv-376-JD

Warden, NH State Prison

O R D E R

The petitioner has requested that the court issue a certificate of appealability pursuant to 28 U.S.C. § 2253 with respect to the judgment of the court entered on August 24, 2006. This court and the Court of Appeals for the First Circuit found that the petitioner was denied his right to the effective assistance of counsel due to counsel's failure to consult an arson expert. On remand this court reviewed the record and received new evidence and concluded that counsel's failure to consult with an arson expert did not undermine the court's confidence in the guilty verdict. Since reasonable jurists could resolve this issue in a different manner, a certificate of appealability shall issue.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 2, 2006

cc: Stephen D. Fuller, Esquire
Daniel A. Laufer, Esquire